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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,608	12/29/2003	Steven A. Moore	30287-117	6497
7590	05/03/2004		EXAMINER	
Peter R. Martinez, Esq. LUCE, FORWARD, HAMILTON & SCRIPPS LLP 11988 El Camino Real, Suite 200 San Diego, CA 92130			JEANGLAUME, JEAN BRUNER	
			ART UNIT	PAPER NUMBER
			2819	
DATE MAILED: 05/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/747,608	MOORE, STEVEN A.
	Examiner	Art Unit
	Jean B Jeanglaude	2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-22 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-29-03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: it is suggested not to use the following word phrases in the abstract " one embodiment of the present invention", "comprises", the present invention".

Appropriate correction is required.

Allowable Subject Matter

Claims 1 – 22 are allowable.

2. The following is a statement of reasons for the indication of allowable subject matter: in combination with other limitations of the claims the prior arts made of record fail to suggest a computer program product and method for directing a general purpose digital computer to perform a desired function comprising a set of computer readable instructions to assign a data value to N pulses based on a time period between each pulse.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Jacobsen (US Patent Number 3,093,798) discloses a coded data decoder.

5. Lisle (US Patent Number 3,399,350) discloses a self-timing decoder for pulse code wherein code structure is subject to restraints.

6. Munz et al. (US patent Number 4,756,025) discloses a method and device for data transmission over several parallel lines in particular optical fibers.

7. Wash (US Patent Number 4,965,575) discloses a data alignment circuit and method for self-clocking encoded.
8. Hook (US Patent Number 5,376,888) discloses timing markers in time domain reflectometry systems.
9. Pfiffner (US Patent Number 5,623,518) discloses a method and circuit arrangement for transmitting binary data.
10. Kawaguchi (US Patent Number 5,644,601) discloses a method and apparatus for bias suppression in a VCO based FM transmission system.
11. Ko (US Patent Number 5,748,119) discloses devices and methods for channel encoding and channel-decoding of digital data.
12. Schouhamer Immink (US patent Number 5,774,077) discloses an encoding arrangement and method for encoding (N-1) bit information words into N-bit channel words and decoding arrangement and method for decoding the channel words into information words.
13. Thornton (US patent Number 6,020,839) discloses an analog technique to detect asymmetric radio frequency pulses.
14. Thornton (US patent Number 6,037,884) discloses technique to encode multiple digital data streams in limited bandwidth for transmission in a single medium.
15. Graham et al. (US Patent Number 6,678,321) discloses a method and apparatus for transmitting and receiving a symbol over pots wiring using a multi-cycle waveform
16. This application is in condition for allowance except for the formal matters mentioned above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Jeanglaude whose telephone number is 571-272-1804. The examiner can normally be reached on Monday - Friday 7:30 A. M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bruner Jeanglaude
Primary Examiner
April 29, 2004